



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## North American Plant Breeders

Whereas, THERE HAS BEEN PRESENTED TO THE

### Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS AS DETERMINED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT

'Oslo'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 19th day of November in the year of our Lord one thousand nine hundred and eighty-one.

Attest:

*Sumner L. ...*  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*John R. Block*  
Secretary of Agriculture



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED  
OMB NO. 40-R3822

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1a. TEMPORARY DESIGNATION OF VARIETY <b>HS74183</b>		1b. VARIETY NAME <b>Oslo</b>		FOR OFFICIAL USE ONLY PV NUMBER <b>8000162</b>	
2. KIND NAME <b>Wheat</b>		3. GENUS AND SPECIES NAME <b>Triticum aestivum L.</b>		FILING DATE <b>9/29/80</b>	TIME <b>1:00</b> <b>P.M.</b>
4. FAMILY NAME (BOTANICAL) <b>Gramineae</b>		5. DATE OF DETERMINATION <b>July 15, 1975</b> <b>5/28/81</b>		FEE RECEIVED \$ <b>500.00</b> \$ <b>250.00</b>	DATE <b>9/29/80</b> <b>9/28/81</b>
6. NAME OF APPLICANT(S) <b>North American Plant Breeders</b>		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) <b>5201 Johnson Drive, P.O. Box 2955 Mission, KS 66201</b>		8. TELEPHONE AREA CODE AND NUMBER <b>913-384-4940 KS 303-532-3721 CO</b>	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) <b>Partnership</b>		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION <b>Stamford, CT.</b>		11. DATE OF INCORPORATION <b>March 9, 1973</b>	
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: <b>Giles Dixon P.O. Box 2955 Mission, KS 66201</b> <b>R.E. Heiner or C. Bruns P.O. Box 30 Berthoud, CO 80513</b>					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☒ 13D. Exhibit D, Additional Description of the Variety.

*Exhibit E, Quality information*

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?	14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED?		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED		
15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)			
15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)			

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

**Sept 15, 1980**  
(DATE)

*[Signature]*  
(SIGNATURE OF APPLICANT)

1

(DATE)

(SIGNATURE OF APPLICANT)

# INSTRUCTIONS

**GENERAL:** Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

## ITEM

- 5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- 14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

## Exhibit A

### Origin and Breeding History of Oslo

Pedigree: Sonora 64/Yaqui 50E//Guajalote/3/Inia/4/Ciano//Elgan/Sonora 64

History: Oslo originated from a single plant selection made in 1972 by Dr. A. Acosta from a CIMMYT F<sub>2</sub> population. An F<sub>4</sub> bulk of this selection was first entered into yield trials in 1974 under the experimental number HS74183. This line has been in wide scale tests throughout the upper midwest spring wheat areas during the 1976 through 1980 seasons. It has been tested regionally in California during the 1979 and 1980 seasons.

From the original F<sub>2</sub> plants, the F<sub>3</sub> generation was grown in a 5 X 5 foot plot where five plants were pulled. Each of these plants were planted in a 5 X 5 foot plot as F<sub>4</sub>'s in 1974. The best one of these plots was bulked and planted in a 5 X 23 foot plot in 1975. From this, 132 plants were selected and grown as plant rows at Berthoud in 1976. Succeedingly, 178 plants were selected for a plant row increase in 1977. Of these, 11 rows were discarded (6%) for having off-type beaks. From the 1977 purification increase plot, 200 plants were selected for plant row increases in 1978. Of these 200 plant rows only one row was discarded as being off-type. Breeders seed of Oslo originated from the 1977 and 1978 plant row increases. We consider Oslo to be stable and uniform with no off-type variants.



8000162

Exhibit B

Statement of Novelty

Oslo is most similar to Inia 66R but can be distinguished from Inia 66R on maturity and morphological characteristics.

Oslo is 2 days later heading than Inia 66R. Based on statistical methods, this maturity difference is very highly significant.

Oslo has oblique shoulder shapes while Inia 66R has square shoulders.

OBJECTIVE DESCRIPTION OF VARIETY  
WHEAT (TRITICUM SPP.)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S)

North American Plant Breeders

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

5201 Johnson Drive, P.O. Box 2955  
Mission, KS 66201

FOR OFFICIAL USE ONLY

PVPO NUMBER

80 00162

VARIETY NAME OR TEMPORARY DESIGNATION

OSLO

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g.    or   ) when number is either 99 or less or 9 or less.

1. KIND:

1 = COMMON 2 = DURUM 3 = EMMER 4 = SPELT 5 = POLISH 6 = POULARD 7 = CLUB

2. TYPE:

1 = SPRING 2 = WINTER 3 = OTHER (Specify)  1 = SOFT 3 = OTHER (Specify)  
2 = HARD

1 = WHITE 2 = RED 3 = OTHER (Specify)

3. SEASON - NUMBER OF DAYS FROM    TO:

FIRST FLOWERING planting    LAST FLOWERING

4. MATURITY (50% Flowering):

NO. OF DAYS EARLIER THAN  1 = ARTHUR 2 = SCOUT 3 = CHRIS  
  NO. OF DAYS LATER THAN  4 = LEMHI 5 = NUGAINES 6 = LEEDS

5. PLANT HEIGHT (From soil level to top of head):

CM. HIGH  
  CM. TALLER THAN  1 = ARTHUR 2 = SCOUT 3 = CHRIS  
  CM. SHORTER THAN  4 = LEMHI 5 = NUGAINES 6 = LEEDS

6. PLANT COLOR AT BOOTING (See reverse):

1 = YELLOW GREEN 2 = GREEN 3 = BLUE GREEN

7. ANTHUR COLOR:

1 = YELLOW 2 = PURPLE

8. STEM:

Anthocyanin: 1 = ABSENT 2 = PRESENT (slight)

Waxy bloom: 1 = ABSENT 2 = PRESENT

Hairiness of last internode of rachis: 1 = ABSENT 2 = PRESENT

8/10/81 Internodes: 1 = HOLLOW 2 = SOLID

NO. OF NODES (Originating from node above ground)

CM. INTERNODE LENGTH BETWEEN FLAG LEAF AND LEAF BELOW

9. AURICLES:

Anthocyanin: 1 = ABSENT 2 = PRESENT

Hairiness: 1 = ABSENT 2 = PRESENT

10. LEAF:

Flag leaf at booting stage: 1 = ERECT 2 = RECURVED  
3 = OTHER (Specify):

Flag leaf: 1 = NOT TWISTED 2 = TWISTED

Hairs of first leaf sheath: 1 = ABSENT 2 = PRESENT

Waxy bloom of flag leaf sheath: 1 = ABSENT 2 = PRESENT

MM. LEAF WIDTH (First leaf below flag leaf)

CM. LEAF LENGTH (First leaf below flag leaf)

## 11. HEAD:

Density: 1 = LAX 2 = DENSE 3) Moderate 8/10/81  Shape: 1 = TAPERING 2 = STRAP 3 = CLAVATE  
4 = OTHER (Specify) \_\_\_\_\_

Awnedness: 1 = AWNLESS 2 = APICALLY AWNLETED 3 = AWNLETED 4 = AWNED

Color at maturity: 1 = WHITE 2 = YELLOW 3 = PINK 4 = RED  
5 = BROWN 6 = BLACK 7 = OTHER (Specify) \_\_\_\_\_

CM. LENGTH  MM. WIDTH

## 12. GLUMES AT MATURITY:

Length: 1 = SHORT (CA. 7 mm.) 2 = MEDIUM (CA. 8 mm.) 3 = LONG (CA. 9 mm.)  Width: 1 = NARROW (CA. 3 mm.) 2 = MEDIUM (CA. 3.5 mm.)  
3 = WIDE (CA. 4 mm.)

Shoulder shape: 1 = WANTING 2 = OBLIQUE 3 = ROUNDED  
4 = SQUARE 5 = ELEVATED 6 = APICULATE

Ranging from 2 to 3.6 mm's

Beak: 1 = OBTUSE 2 = ACUTE 3 = ACUMINATE

## 13. COLEOPTILE COLOR:

1 = WHITE 2 = RED 3 = PURPLE

## 14. SEEDLING ANTHOCYANIN:

1 = ABSENT 2 = PRESENT

## 15. JUVENILE PLANT GROWTH HABIT:

1 = PROSTRATE 2 = SEMI-ERECT 3 = ERECT

## 16. SEED:

Shape: 1 = OVATE 2 = OVAL 3 = ELLIPTICAL

Cheek: 1 = ROUNDED 2 = ANGULAR

Brush: 1 = SHORT 2 = MEDIUM 3 = LONG

Brush: 1 = NOT COLLARED 2 = COLLARED

Phenol reaction (See instructions): 1 = IVORY 2 = FAWN 3 = LT. BROWN  
4 = BROWN 5 = BLACK

Color: 1 = WHITE 2 = AMBER 3 = RED 4 = PURPLE 5 = OTHER (Specify) \_\_\_\_\_

MM. LENGTH  MM. WIDTH  GM. PER 1000 SEEDS

## 17. SEED CREASE:

Width: 1 = 60% OR LESS OF KERNEL 'WINOKA'  
2 = 80% OR LESS OF KERNEL 'CHRIS'  
3 = NEARLY AS WIDE AS KERNEL 'LEMHI'

Depth: 1 = 20% OR LESS OF KERNEL 'SCOUT'  
2 = 35% OR LESS OF KERNEL 'CHRIS'  
3 = 50% OR LESS OF KERNEL 'LEMHI'

## 18. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

STEM RUST (Races)  LEAF RUST (Races) 3) moderately resistant  STRIPE RUST (Races)  LOOSE SMUT  
 POWDERY MILDEW  BUNT  OTHER (Specify) \_\_\_\_\_

## 19. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

SAWFLY  APHID (Bydv.)  GREEN BUG  CEREAL LEAF BEETLE  
 OTHER (Specify) \_\_\_\_\_ HESSIAN FLY RACES:  GP  A  B  C  
 D  E  F  G

## 20. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant tillering	Inia 66 R	Seed size	Inia 66R
Leaf size	Inia 66 R	Seed shape	Inia 66R
Leaf color	Inia 66 R	Coleoptile elongation	Inia 66R
Leaf carriage	Inia 66 R	Seedling pigmentation	Inia 66R

## INSTRUCTIONS

GENERAL: The following publications may be used as a reference aid for the standardization of terms and procedures for completing this form:

- (a) L.W. Briggie and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States, Technical Bulletin 1278, United States Department of Agriculture.
- (b) W.E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, contribution No. 28 to the handbook of seed testing prepared by the Association of Official Seed Analysts. (See attachment.)

LEAF COLOR: Nickerson's or any recognized color fan should be used to determine the leaf color of the described variety.

## Exhibit D

## Additional Description of Oslo

Oslo is a day-length insensitive hard red spring wheat. It is a semi-dwarf with medium test weight and satisfactory bread making quality.

When grown in the northern plains of the U.S.A. it heads 6 days earlier than Era. When grown in California, Oslo heads 3 to 4 days later than Inia 66R.

Oslo has an erect juvenile plant growth habit. Plant color at boot stage is green with an erect flag leaf. The head shape is tapering, awned, with oblique shoulders and acute beaks. The seed of Oslo is hard, red, elliptical with a midlong brush and rounded cheeks.



8000162

## Exhibit E

## Quality Comparisons of Oslo with other Commercial Varieties

<u>Midwest<sup>1/</sup></u>	<u>Wheat</u> <u>Protein(%)</u>	<u>Flour</u> <u>Protein(%)</u>	<u>Flour</u> <u>Yield</u>	<u>Flour</u> <u>Ash</u>	<u>Bake</u> <u>Abs</u>	<u>Bake</u> <u>Mix Time</u>	<u>Loaf</u> <u>Volume(CC)</u>
Oslo	14.7	13.8	69.7	.389	62.4	4.0	989
Waldron	16.1	15.1	69.8	.409	65.8	3.5	982
Era	14.0	13.0	70.9	.419	62.5	4.2	939
<u>California<sup>2/</sup></u>							
Oslo	12.2	10.6	71.5	-	58	5.0	945
Inia 66R	13.2	11.0	72.2	-	60	5.0	915
Anza	11.7	9.4	73.2	-	58	4.0	720

1/ Average data from 12 station years of testing from the North Dakota and Minnesota areas.

2/ Average data from 2 station years of testing from San Joaquin valley of California.

BILL OF SALE AND ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS that AGRIPRO BIOSCIENCES INC., a Delaware corporation (hereinafter referred to as "Seller"), pursuant to that certain Asset Purchase Agreement of even date herewith by and between Seller and AGR ACQUISITION CORPORATION, a Delaware corporation (hereinafter referred to as "Buyer") and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, assign, convey and deliver unto Buyer, all of Seller's right, title and interest in and to the plant varieties owned/registered by Seller and more particularly set forth on Exhibit A attached hereto for which PVP Certificates have been issued by or may be pending before the U. S. Department of Agriculture.

TO HAVE AND TO HOLD UNTO PURCHASER, its successors and assigns forever.

IN WITNESS WHEREOF, Seller has executed this Bill of Sale and Assignment as of the 30th day of June, 1994.

AGRIPRO BIOSCIENCES INC.

BY: W.A. Zama

Title: President

STATE OF KANSAS, COUNTY OF JOHNSON

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared W.A. ZAMA with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the PRESIDENT of Agripro Biosciences Inc., the within named bargainer, a corporation, and that he as such PRESIDENT, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as PRESIDENT.

WITNESS my hand and Notarial Seal at office the day and year above written.

Alma M. Weaver  
Notary Public

My Commission Expires:

June 22, 1998

ALMA M. WEAVER

NOTARY PUBLIC

STATE OF KANSAS

My Appt. Exp. June 22, 1998

Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AGR ACQUISITION CORPORATION", CHANGING ITS NAME FROM "AGR ACQUISITION CORPORATION" TO "AGRIPRO SEEDS, INC.", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF JUNE, A.D. 1994, AT 4:30 O'CLOCK P.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



*Edward J. Freel*

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SECRETARY OF STATE  
AUTHENTICATION:

7169071

DATE:

07-01-94

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06/30/94 14:25

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ABI SHAWNEE MSN

002/002

CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
AGR ACQUISITION CORPORATION

AGR Acquisition Corporation, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: that the Board of Directors of said corporation, by the unanimous written consent of its members filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Certificate of Incorporation of this corporation be amended by changing the Article thereof numbered "ARTICLE I" so that, as amended, said Article shall be and read as follows:

"ARTICLE I

Name

The name of the corporation (hereinafter called the 'Corporation') is Agripro Seeds, Inc."

SECOND: That in lieu of a meeting and vote of stockholders, the sole shareholder of the corporation has given unanimous written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware.

FOURTH: That the capital of said corporation shall not be reduced under or by reason of said amendment.

IN WITNESS WHEREOF, said AGR Acquisition Corporation has caused this certificate to be signed by Gary T. Hancock, its President, and attested by Ann Steelman, its Secretary, this 30<sup>th</sup> day of June, 1994.

AGR ACQUISITION CORPORATION

BY: Gary T. Hancock  
Gary T. Hancock, President

ATTEST:

BY: Ann Steelman  
Ann Steelman, Secretary

## LAW OFFICES

BURCH, PORTER &amp; JOHNSON

130 NORTH COURT AVENUE

MEMPHIS, TENNESSEE 38103

TELEPHONE 901-523-2311  
TELECOPIER 901-523-7140

July 25, 1994

LUCIUS E. BURCH, JR.  
W. J. MICHAEL CODY  
JOEL PORTER  
CHARLES F. NEWMAN  
C. THOMAS CATES  
JOE M. DUNCAN  
JOHN A. STEHMLER  
J. BROOKE LATHRAM  
JEFF FEIBELMAN  
DEWITT H. SHY, JR.  
R. MICHAEL POTTER  
JOHN W. CHANDLER, JR.  
DAVID J. HARRIS  
WARNER B. ROODA  
DAVID H. LILLARD, JR.  
HOLLY K. LILLARD  
SAM L. CRAIN, JR.  
NATHAN A. BICKSSTEPHEN D. CRAWLEY  
LAUREL C. WILLIAMS  
LISA A. KRUPICKA  
LEAHNE MARSHALL COX  
RICHARD R. SPORE, III  
BETH WEENS BRADLEY  
KATHRYN E. STORY  
LES JONES  
MELISSA A. MARAVICH  
RICKY E. WILKINS  
TODD A. ROSE  
REVA H. KRIEGER  
SUSAN CLARK TAYLOR  
DOUGLAS F. HALJAN  
JOHN W. CAMPBELL  
R. PORTER FEILOCHAS. N. BURCH 1868-1938  
H. D. MINOR 1865-1947  
CLINTON H. MCKAY 1869-1943  
JESSE E. JOHNSON, JR. 1913-1980  
JOHN S. PORTER 1899-1990MORGAN KEEGAN OFFICE  
50 NORTH FRONT STREET  
SUITE 650  
MEMPHIS, TENNESSEE 38103  
TELEPHONE 901-527-2311  
TELECOPIER 901-527-4199

Ms. Ann Zempolich  
Plant Variety Protection Office  
U. S. Department of Agriculture  
500 NAL Building  
10301 Baltimore Boulevard  
Beltsville, MD 20705

Re: Agripro Biosciences Inc. Sale of PVPs to AGR Acquisition Corporation (which has changed its name to Agripro Seeds, Inc.)

Dear Ms. Zempolich:

I am enclosing herewith the Bill of Sale and Assignment wherein Agripro Biosciences Inc. has sold and assigned all of its right, title and interest in and to the PVPs listed on the attachment to the Bill of Sale to AGR Acquisition Corporation and hereby request that your records be changed to show the new owner as Agripro Seeds, Inc., the new name of AGR Acquisition Corporation. It is our understanding that the attachment was generated by someone in your office and forwarded to Agripro Biosciences Inc. at its request, and was subsequently forwarded to our office as attorneys for the purchaser in connection with the sale transaction.

As I indicated to you in our several previous telephone conversations, AGR Acquisition Corporation changed its corporate name to Agripro Seeds, Inc. the same date as the closing of the sale. I am enclosing herewith a copy of the Certificate of Amendment filed by the Delaware Secretary of State wherein the corporate name is changed.

If I counted correctly, there are 149 PVP certificates listed on the attachment to the Bill of Sale and Assignment. I am enclosing a check in the amount of \$3,725.00 payable to United States Treasury in payment of the \$25.00 per certificate fee to change the owner's name on your records.

THIS DOCUMENT HAS A COLORED BACKGROUND — NOT A WHITE BACKGROUND THIS DOCUMENT HAS A COLORED BACKGROUND



HELENA CHEMICAL COMPANY  
Suite 3200 - Clark Tower  
5100 Poplar Avenue  
Memphis, Tennessee 38137

DATE

CHECK NUMBER

22406

7-8-94

PROTECTION  
AMOUNT

EXACTLY 3,725.00

PAY THIS AMOUNT

\$3,725.00

United States Treasury

PAY TO THE  
ORDER OF

HELENA CHEMICAL COMPANY

by

AUTHORIZED SIGNATURES

DAVIS HOXIE FAITHFULL & HAPGOOD

45 ROCKEFELLER PLAZA

NEW YORK, N. Y. 10111

RICHARD WHITING  
CYRUS S. HAPGOOD  
CASPAR C. SCHNEIDER, JR.  
WILLIAM F. KILGANNON  
DANIEL H. STEIDL  
STANLEY L. AMBERG  
JOHN B. PEGRAM  
STEPHEN D. KAHN  
WILLIAM J. HONE  
THOMAS E. SPATH  
CHARLES W. BRADLEY  
RICHARD P. FERRARA  
CLINTON H. NEAGLEY  
PETER H. BUCCI  
ROBERT H. FISCHER  
PETER H. PRIEST  
ARNOLD S. DOMPIERI  
STEVEN D. GLAZER  
BRADFORD S. BREEN

WILLIAM F. SONNEKALB, JR.  
ROLAND PLOTTEL  
COUNSEL

TELEX: 12 8162 (EXPLICIT NYK)  
INTERNATIONAL TELEX: 421238  
TELECOPIER: (212) 586-1461  
CABLE: EXPLICIT

TELEPHONE: (212) 757-2200

6 August 1982

8638

Miss Patricia Wheeler  
Plant Variety Protection Office  
Room 500  
National Agricultural Library  
Beltsville, Maryland 20705

Dear Miss Wheeler:

Please send us Plant Variety Certificates for the following items:

1. Cauliflower (7400052) 8 pages.
2. Peas (8000117) 7 pages.
3. Soybean (7300061) 6 pages.
4. Wheat (8000162) 8 pages.

Enclosed is our check in the amount of \$29.00.

Thank you.

Very truly yours,

*Clinton H. Neagley*  
mm

CHN:mm  
Encl

Clinton H. Neagley

DAVIS HOXIE FAITHFULL & HAPGOOD		16589
45 ROCKEFELLER PLAZA		
NEW YORK, NY 10111		
PAY TO THE ORDER OF <i>U.S. Treasurer</i>		<i>Aug 6 1982</i> 1-12/210
THE SUM <i>29</i> DOLS <i>00</i> CTS		\$ <i>29</i> <sup>00</sup> / <sub>100</sub>
		DOLLARS
CHEMICAL BANK		
11 West 51st Street New York, N.Y. 10019		
FOR <i>DORI G. BARNETT</i>		
⑈016589⑈ ⑆021000128⑆ 007⑈055358⑈		



UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION  
NATIONAL AGRICULTURAL LIBRARY BUILDING  
BELTSVILLE, MARYLAND 20705

JAN 28 1982

Subject: Seed Sample of Protected Variety  
Certificate No. 8000162  
Kind and Variety - Wheat 'Oslo'  
Breeder - North American Plant Breeders

To: National Seed Storage Laboratory  
Fort Collins, CO 80521

Attached is the above-identified sample and an Objective Description of Variety form in accordance with our Memorandum of Understanding and as agreed upon during my visit with Dr. Louis Bass on June 12, 1972.

One copy of this duplicate form showing the result of your germination test on 100 seeds of pure seed of this sample should be returned to this Office. Return of the duplicate form will serve as acknowledgement of receipt of the sample.

Germination:

96 %

Date: 2/82

Sincerely,

Bernard M. Leese  
Commissioner  
Plant Variety Protection Office

Attachment

In duplicate

*Handwritten:* 6/22/82  
162525

*Handwritten:* TV-24854



5201 JOHNSON DRIVE □ P.O. BOX 2955 □ MISSION, KANSAS 66201 □ (913) 384-4940 □ TWX 910-743-4160

April 13, 1983

CERTIFIED MAIL

Mr. Floyd Foster  
Estelline  
South Dakota 57234

Re: OSLO WHEAT

Dear Mr. Foster:

It has been drawn to our attention that you have been advertising for sale, Oslo Wheat in the Estelline Journal. A Company representative has contacted you regarding this advertisement and has informed us that you are selling Oslo Wheat as uncertified seed.

Oslo Wheat is a variety which is protected under the Plant Variety Protection Act. Oslo can be sold only by variety name as a class of certified seed. North American Plant Breeders Inc. is the owner of the patent for Oslo Wheat.

Your advertisement and assumed sales of Oslo, a variety name, as uncertified seed, are in violation of NAPB's patent rights, the Federal Seed Act and state seed laws. We demand that you immediately cease and desist from advertising and/or selling uncertified Oslo seed. By copy of this correspondence, NAPB is informing the state seed authorities of this demand. It is suggested that you inform this office that the illegal advertisement has been terminated. If you do not accede to this demand, we shall promptly initiate litigation to the appropriate federal court requesting a restraining order, permanent injunction and civil damages.

If compliance is not assured within seven (7) days of the date of this correspondence, we shall proceed without further notice to you.

Sincerely yours,

William F. Schwer  
Attorney

WFS/amw

cc: Messrs. Dennis Fisher  
Keith Flynn  
Kenneth Evans, USDA, PVP Office ✓  
State Crop Improvement Assn.





**NAPB**  
NORTH AMERICAN  
PLANT BREEDERS

5201 JOHNSON DRIVE □ P.O. BOX 2955 □ MISSION, KANSAS 66201 □ (913) 384-4940 □ TWX 910-743-4160

December 13, 1982

David Westfall  
Rural Route 1  
Munich, North Dakota 58252

Dear Mr. Westfall,

We understand that you are selling our Hard Red Spring Wheat variety, Oslo, as uncleaned wheat for seeding purposes in your area and that you have approximately 8,000 bushels for sale. Oslo is a variety which we own the patent on and is protected under the Plant Variety Protection Act of 1970 which is a federal law. Oslo can only be sold by variety name as a certified class of seed.

We believe that the 8,000 bushels of Oslo that you have available which you are selling is violating our patent rights. You may also be deriving sufficient income by the sale of this as a seed crop which puts you in the seed business on a part-time basis. We may seek to audit your records to determine if this is the case. In addition, you may also be in violation of state seed laws and the federal seed act.

We would ask that you cease and desist of these illegal sales of this variety immediately, otherwise we may be forced to take further action. Certified seed is available in good supply from any of our associates.

I have enclosed more information about Plant Variety Protection and strongly urge you to consider the implications you are exposing yourself to by conducting these sales.

Sincerely,

Keith O. Flynn  
Director of Cereals

KOF/jc

CC: Virgil Anderson  
North Dakota State Seed Dept.

ATTACHMENT

*BCC: Dan Aron*



**NAPB**  
NORTH AMERICAN  
PLANT BREEDERS

80-162

Received 10/19/81

5201 JOHNSON DRIVE □ P.O. BOX 2955 □ MISSION, KANSAS 66201 □ (913) 384-4940 □ TWX 910-743-4160

April 13, 1983

CERTIFIED MAIL

Mr. Oscar Carlson  
Badger  
Minnesota 56714

Re: OSLO WHEAT

Dear Mr. Carlson:

It has been drawn to our attention that you have been advertising for sale, Oslo Wheat in the Badger Enterprise. A Company representative has contacted you regarding this advertisement and has informed us that you are selling Oslo Wheat as uncertified seed.

Oslo Wheat is a variety which is protected under the Plant Variety Protection Act. Oslo can be sold only by variety name as a class of certified seed. North American Plant Breeders Inc. is the owner of the patent for Oslo Wheat.

Your advertisement and assumed sales of Oslo, a variety name, as uncertified seed, are in violation of NAPB's patent rights, the Federal Seed Act and state seed laws. We demand that you immediately cease and desist from advertising and/or selling uncertified Oslo seed. By copy of this correspondence, NAPB is informing the state seed authorities of this demand. It is suggested that you inform this office that the illegal advertisement has been terminated. If you do not accede to this demand, we shall promptly initiate litigation to the appropriate federal court requesting a restraining order, permanent injunction and civil damages.

If compliance is not assured within seven (7) days of the date of this correspondence, we shall proceed without further notice to you.

Sincerely yours,

William F. Schwer  
Attorney

WFS/amw

cc: Messrs. Dennis Fisher  
Keith Flynn  
Kenneth Evans, USDA, PVP Office ✓  
State Crop Improvement Assn.



**AgriPro®**

Trademarks of **NAPB** Inc.

5201 Johnson Drive, P.O. Box 2955  
Mission, Kansas 66201-1355  
913-384-4940, Telex 4941051  
Fax 913-384-0208

March 16, 1988

Mr. Rex Kutschara  
Mr. Randy Blonion  
Rural Route  
Hay Springs, NE 69347

RE: Oslo

Dear Mr. Kutschara and Mr. Blonion:

It has been drawn to our attention that you have been advertising Oslo Wheat for sale in The Chadron Record, Chadron, Nebraska.

Oslo Wheat is a variety which is protected under the Plant Variety Protection Act. Oslo Wheat can be sold only by variety name as a class of certified seed. Nickerson American Plant Breeders Inc. is the owner of the patent for AgriPro Brand Oslo Wheat.

Your advertisement and assumed sales of AgriPro Brand Oslo Wheat are in violation of NAPB's patent rights, the Federal Seed Act and state seed laws. NAPB demands that you immediately cease and desist from advertising or selling uncertified Oslo Wheat Seed. You must inform this office in writing that the illegal advertisement has been terminated. If you do not accede to this demand, we shall promptly initiate litigation in the appropriate federal court requesting a restraining order, permanent injunction and civil damages.

If compliance is not assured within seven (7) days of the date of this correspondence, we shall proceed without further notice to you.

Sincerely,

Keith Flynn  
Manager, International  
Business Development/Hybrid Wheat

cc: U.S. Department of Agriculture  
U.S. Crop Improvement Association

bcc: J. Edlin  
V. Wathen  
G. Steffens

509123.2/052



Nickerson American Plant Breeders Inc.



Phone 308-247-2126  
Nebraska Wats 800-682-6018  
Interstate Wats 800-445-5454

## JIRDON AGRI CHEMICALS, INC.

POST OFFICE BOX 516  
MORRILL, NEBRASKA 69358

March 8, 1988

Mr. Keith Flynn  
AGRIPRO  
P.O. Box 2955  
Mission, KS 66201

Dear Keith:

Enclosed please find a copy of the information we received regarding Mr. Rex Kutschara and Mr. Randy Blonion, Rural Route, Hay Springs, Nebraska 69347.

The information was forwarded to the Nebraska Crop Improvement Association by the DISCO Division of Arrow Seed Company, Chadron, Nebraska. Please note that the information was from The Chadron Record, Chadron, Nebraska.

This is for your information.

Sincerely,

JIRDON AGRI CHEMICALS, INC.

David R. Fuss

DRF:es

Encl:



# STATE OF NEBRASKA

## DEPARTMENT OF AGRICULTURE

KAY A. ORR  
GOVERNOR

A.L. (ROY) FREDERICK  
DIRECTOR

March 1, 1988

Mr. Rex Kutschara  
Mr. Randy Blonion  
Rural Route  
Hay Springs, NE 69347

Gentlemen:

I have received information that you are advertising for sale, by variety name, seed of Oslo variety of spring wheat. Oslo wheat is protected under the U.S. Plant Variety Protection Act and also covered under the Nebraska Seed Law. The certificate of variety protection states that this seed shall not be offered for sale or sold by variety name unless it is Certified Seed. Under the Nebraska Seed Law, it is also illegal to offer for sale or sell Oslo Spring Wheat by variety name unless the seed is certified by a Official Seed Certification Agency. In addition, infringement of a Plant Variety Protection Certificate makes the infringer liable to civil litigation by the certificate (patent) owner. For your information, the patent holder on Oslo Wheat is North American Plant Breeders.

Since the seed you are advertising is a protected variety and, based on our investigation, uncertified, I ask that you stop all advertisement and sale immediately!

I am enclosing a copy of a letter sent to you on September 11, 1984, regarding a similar violation. Therefore, I assume, you are familiar with the laws regarding protected varieties. I am also sending you information regarding seed labeling, testing, and permit requirements in Nebraska. I recommend you become thoroughly familiar with these requirements if you plan to continue selling seed in the future. Since many of the wheat varieties are protected, I suggest you contact the Nebraska Crop Improvement Association, Plant Science Hall, Lincoln, Nebraska 68583, phone: (402) 472-1444 for further information about their certification program.

If you have any questions about Plant Variety Protection, Seed Law, or labeling, please contact me. I will be glad to help you.

Sincerely,  
AGRICULTURE LABORATORIES

*David F. Svik*  
David F. Svik  
State Seed Control Official

DFS:rr

Enclosure

cc: Dennis Thompson, Nebraska Crop Improvement Association  
Bill Gable, Inspector

## DEPARTMENT OF AGRICULTURE

Administration  
P.O. Box 94947  
Lincoln, NE 68509-4947  
(402) 471-2341  
TWX: 910-621-8249  
ST OF NEB LCN

Agriculture Laboratories  
3703 South 14th Street  
Lincoln, NE 68502-5399  
(402) 471-2176

Bureau of Animal Industry  
P.O. Box 94787  
Lincoln, NE 68509-4787  
(402) 471-2351

Bureau of Dairies & Foods  
P.O. Box 95064  
Lincoln, NE 68509-5064  
(402) 471-2536

Bureau of Plant Industry  
P.O. Box 94756  
Lincoln, NE 68509-4756  
(402) 471-2394

Weights and Measures  
P.O. Box 94757  
Lincoln, NE 68509-4757  
(402) 471-4292

## *livestock*



## *lives*

FOR SALE: Oslow Spring  
Wheat wt. 61#+. No  
cleaning necessary. Sam-  
ples at Co-op Gordon, Co-  
op Hemingford, Lewin El-  
evators in Rushville, Hay  
Springs, Chadron, Whit-  
ney, Crawford. Rex  
Kutschara 638-4563 or  
Randy Blonion 638-4528.

2-19-21

WANTED TO BUY: alfalfa  
in large square or round  
Call evening

FARM  
that tin  
disc s  
them  
Please  
now.  
3500.

PASTU  
need  
May  
Hartm  
Mac

oom  
No